Jidea ACIMETT 5-638555 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Plaintiff.

- against -

USCA-SEABELL, INC.,

MAERSK LINE,

CIVIL COMPLAINT IN ADMIRALTY

Defendant.

Plaintiff MAERSK LINE, by its attorneys, LAW ORFICE ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant USCA-SEABELL, INC., In personam, in a cause of action civil and maritime, alleges upon information and belief:

- This is an admiralty and maritime claim within the meaning of Rule. 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 26 of the Bills of Lading.
- At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegle Blvd., Charlotte, NC 28209.
- Upon information and belief and at all times hereinafter mentioned. defendant USCA-SEABELL, INC. was and still is a corporation organized and existing under the laws of the State of New York, with offices and a place of businesss at 50 Harrison St., Hoboken, NJ 07030.
- From on or about December 1, 2006 to the present, defendant. delivered cargoes to plaintiff at various ports for the purpose of having the cargoes. carried to various ports of destination, there to be delivered to the consignees and/or their agents, in consideration of payment by defendant to plaintiff of ocean freight. and related charges, calculated pursuant to a Service Contract between the parties and/or plaintff's tariff.

- Thereafter, defendant made 138 shipments with plaintiff, and incurred charges totalling \$738,787.79.
- Defendant has remitted \$257,930.00, but has failed to remit the balance due of \$480,857.79, although duly demanded (Exhibit A).
- All shipments were properly carried by plaintiff, or are in the process of being carried by plaintiff.
- Plaintiff has performed and is performing all acts required to be performed by plaintiff.
- Defendant has failed and refused and continues to fail and refuse to remit payment of \$480,857.79, although duly demanded.
- By reason of the foregoing, plaintiff has sustained damages in the amount of \$480,857.79 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

- For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.
- That process in due form of law according to the practice of this
 Court in cases of admiralty and maritime jurisdiction may issue against the defendant
 citing it to appear and answer all the singular matters aforesaid.
- That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York August 2, 2007

> LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES

By

Albert J. Avallone - AA1679

Attorneys for Plaintiff

MAERSK LINE

551 Fifth Avenue, Suite 1625

New York, NY 10176

(212) 696-1760

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